



# S3 Conference

Screening ❖ Safety ❖ Strategy

*Hosted by DISA Global Solutions*

## EMPLOYMENT LAW NOW

Risks to Watch and Moves to Make



# HELLO!

***I am Joe Beachboard***

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## **THREE QUESTIONS**

- ❖ What Changed?
- ❖ Why Does It Matter to Your Organization?
- ❖ What Should You Do Differently?





# THE TRUMP ADMINISTRATION



**Not About Ideology or Politics!  
Is About:**

- ❖ Regulatory Developments
- ❖ Agency Interpretations
- ❖ Enforcement Priorities

**Same laws with different enforcement  
tactics change your risks.**

## Key Federal Regulatory Agencies:

- ❖ Department of Labor (“DOL”)
- ❖ Occupational Safety and Health Administration (“OSHA”)
- ❖ Office of Federal Contract Compliance Programs (“OFCCP”)
- ❖ National Labor Relations Board (“NLRB”)
- ❖ Equal Employment Opportunity Commission (“EEOC”)





# THE NLRB

## **THREE QUESTIONS**

- ❖ What Changed?
- ❖ Why Does It Matter To Your Organization?
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# WHAT CHANGED?

- ❖ NLRB Members And General Counsel
- ❖ Agency Philosophy
- ❖ Enforcement Priorities

# WHY IT MATTERS

- ❖ Greater Employer Flexibility
- ❖ “Protected Concerted Activity”
- ❖ Union Organizing



## What Should You Do Differently?

- ❖ Don't Ignore NLRB
- ❖ Review Policies
- ❖ Train Managers
- ❖ Be Prepared For Organizing





# THE EEOC

# WHAT CHANGED?

- ❖ EEOC Members And General Counsel
- ❖ Agency Philosophy
- ❖ Enforcement Priorities



## EEOC Priorities

1. “Majority” Claims (*Ames v. Ohio*)
2. Religious Discrimination/Accommodation
3. Pregnancy Bias/Accommodation
4. DEI
5. “Disparate Treatment”
6. Harassment
7. Pay Equity
8. Retaliation



# WHY IT MATTERS

- ❖ EEOC Focus Areas Change Risk Profile
- ❖ More Litigation Likely



# What Should You Do Differently?

- ❖ New Risk Analysis
- ❖ Review Policies
  - DEI
  - Harassment
- ❖ Align Investigations With EEOC Expectations





# HIRING & SCREENING

## Developing Issues

- ✦ Conviction & Arrest Records
- ✦ Marijuana
- ✦ Pay Posting Requirements
- ✦ AI Hiring Tools





# SOCIAL MEDIA

## Social Media & The Workplace

- ❖ Inappropriate conduct violates the law regardless of how it's communicated—face to face, email, texting, Facebook, X, Slack, YouTube, Instagram—***the same rules apply***
- ❖ Be careful with social media
  - ***Can't be positive of who's in your "audience"***
  - ***Hard for recipient to assess tone—can't see body language; easy for comments to be misconstrued***
  - ***Create a written record***
- ❖ Social media risks have intensified recently





# OFF-DUTY CONDUCT

## Off-Duty Conduct & The Law

- ❖ Harassment and Discrimination Laws still apply even if conduct is **after hours** and/or **off work premises**
- ❖ Employer expectations of managers apply even more broadly
- ❖ Including at a baseball game...





RICARDO FOSADO



**BREWERS FAN SAYS "CALL ICE" ON DODGERS FAN**  
DODGERS FAN DOESN'T THINK SHE SHOULD HAVE BEEN FIRED



abc7.com



# Thank You!

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